

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF MISSOURI
3 CENTRAL DIVISION
4 SPENCER NORMAN, KIEFER NORMAN,))
5 COURTNEY NORMAN, and))
6 HELEN S. NORMAN,))
7))
8 Plaintiffs,))
9))
10 vs.) Cause No.
11) 2:12-CV-04210-NKL
12 CAMDEN COUNTY, BRIAN D. FIENE,))
13 and DWIGHT D. FRANKLIN,))
14))
15 Defendants.))
16
17
18
19
20 DEPOSITION OF CARL CHRISTOPHER STACY, M.D.
21 August 16, 2013
22
23 (Deposition Starting Time: 3:00 p.m.)
24
25



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1 It is hereby stipulated and agreed
 2 by and between counsel for Plaintiffs and
 3 counsel for the Defendants that this deposition
 4 may be taken in shorthand by Marjorie McFann,
 5 RMR, CCR No. 242, and afterwards transcribed
 6 into printing, and signature by the witness
 7 expressly reserved.
 8 * * * * *
 9 Deposition Exhibits A and B were
 10 marked for purposes of identification herein.
 11 * * * * *
 12 CARL CHRISTOPHER STACY, M.D.
 13 of lawful age, produced, sworn, and examined on
 14 behalf of the Defendants deposes and says:
 15 EXAMINATION
 16 QUESTIONS BY MR. HENSON:
 17 **Q. Doctor, would you please state**
 18 **your full name and business address for the**
 19 **record?**
 20 A. Carl Christopher Stacy. And I work
 21 at the University of Missouri at the College of
 22 Medicine. I believe it's One Hospital Drive,
 23 Columbia, Missouri. And I don't have the zip
 24 code.
 25 **Q. And, Doctor, that's where we're**

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1 **taking this deposition today; is that correct?**
 2 A. Yes.
 3 **Q. All right.**
 4 A. It's 65212.
 5 **Q. Doctor, my name is Keith Henson. I**
 6 **previously introduced myself to you. You**
 7 **understand that we're here today to take your**
 8 **deposition in a lawsuit that's been filed by the**
 9 **family of Glenn David Norman against Camden**
 10 **County, the Sheriff of Camden County and certain**
 11 **Deputies of Camden County; is that correct?**
 12 A. Yes, sir.
 13 **Q. And I don't think I've -- I**
 14 **probably told you before Mr. Carnie represents**
 15 **the family of Mr. Norman and he's here today.**
 16 **And I represent Camden County, the Sheriff of**
 17 **Camden County and the Deputies that have been**
 18 **sued. Do you understand that?**
 19 A. Yes, sir.
 20 **Q. All right. And are you today, let**
 21 **me hand you what I've marked as Exhibit A. Is**
 22 **that a copy of the First Amended Notice of**
 23 **Deposition that I sent to you along with a**
 24 **subpoena requesting you to appear here today for**
 25 **your deposition?**

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1 A. Yes, sir.
 2 **Q. All right.**
 3 A. And I gave you another copy of it
 4 back.
 5 **Q. And are you appearing here today to**
 6 **give this deposition pursuant to the subpoena**
 7 **that was attached to the First Amended Notice of**
 8 **Deposition in Exhibit A?**
 9 A. Yes, sir.
 10 **Q. All right. And, Doctor, just so**
 11 **the record will be clear, are you the Medical**
 12 **Examiner for Boone, Callaway and Greene County?**
 13 A. Yes, sir.
 14 **Q. All right. And were you the**
 15 **Medical Examiner back in 2011 for Boone,**
 16 **Callaway and Greene County?**
 17 A. Yes, sir.
 18 **Q. All right. Did you also perform**
 19 **autopsies for other counties?**
 20 A. Yes, sir.
 21 **Q. All right. Did you have the**
 22 **occasion to perform an autopsy on Glenn David**
 23 **Norman for Camden County, Missouri?**
 24 A. Yes, sir.
 25 **Q. All right. And who requested you**

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1 **to perform that autopsy?**
 2 A. Dr. Jungels.
 3 **Q. And was it normal for you to**
 4 **perform autopsies on deceased individuals such**
 5 **as Glenn David Norman when those deaths occurred**
 6 **in Callaway or in Camden County?**
 7 A. We typically do not. But in this
 8 case Dr. Jungels asked me to do it or asked the
 9 University to do it.
 10 **Q. All right. And did you know Dr.**
 11 **Jungels?**
 12 A. I don't know him real well. I've
 13 met him. Just an acquaintance.
 14 **Q. All right. Was Dr. Jungels in**
 15 **2011, October, 2011, the Coroner of Camden**
 16 **County?**
 17 A. Yes, I believe he was.
 18 **Q. All right. Do you recall when did**
 19 **Dr. Jungels ask you to do the examination or the**
 20 **autopsy on Glenn David Norman?**
 21 A. Well, typically we'll get a call to
 22 our Chief Death Investigator. That would be
 23 Dori Burke. And she wrote down the time and the
 24 date on, on our note sheet which is the first
 25 page of the notes I gave you. And it's listed

2 (Pages 5 to 8)

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1 **bottom of Dori's notes on the first page. Did**
 2 **you take those samples and give them to the**
 3 **Highway Patrol?**

4 A. Those samples would have been taken
 5 under my direct supervision by our techs. And
 6 then they were placed into, each one of them was
 7 placed into a bag and the bags were sealed and
 8 signed by me. And then this is just a receipt
 9 of what was there. The chain of custody is
 10 actually where we sign the samples themselves.

11 **Q. All right. But did you give it to**
 12 **the Highway Patrol?**

13 A. Yes.

14 **Q. And what was the purpose of giving**
 15 **those things to the Highway Patrol?**

16 A. For evidence.

17 **Q. Do you know if anyone ever tested**
 18 **those samples?**

19 A. No, I do not. It can indicate a
 20 struggle if you find DNA from another person
 21 under a fingernail.

22 **Q. And then there's, I guess, a couple**
 23 **of pages on Exhibit B about where you sent**
 24 **things off to folks; is that correct?**

25 A. Yeah. These are the --

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1 **Q. FedEx?**

2 A. -- FedEx airbill for the tox. That
 3 provides a chain of custody for toxicology.

4 **Q. And then you did a request to Dr.**
 5 **Long at St. Louis University Toxicology to do**
 6 **the panels and the testing --**

7 A. Yes.

8 **Q. -- of blood and urine; correct?**

9 A. We asked for some -- in addition to
 10 the routine testing we asked for some synthetic
 11 drugs to be tested for too.

12 **Q. Okay. Bath salts and those type of**
 13 **things; is that correct?**

14 A. Yes, sir.

15 **Q. All right. And I don't believe Dr.**
 16 **Long found any bath salts or any of those**
 17 **things, did he?**

18 A. Not listed in his report.

19 **Q. All right. The only other thing**
 20 **that you did I guess that you don't have here**
 21 **today is you made slides; is that right?**

22 A. Yes.

23 **Q. And how many slides did you make**
 24 **during the autopsy of Mr. Norman?**

25 A. I have ten listed here on page 6.

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1 Dr. Miller did more.

2 **Q. And those particular slides you've**
 3 **maintained; is that correct?**

4 A. Yes, sir.

5 **Q. And in fact you have been kind**
 6 **enough to provide Mr. Carnie and myself with**
 7 **copies of those slides; is that right?**

8 A. Yes, sir.

9 **Q. All right. Let's talk a little bit**
 10 **about Mr. Norman. When you started the autopsy**
 11 **of him how did you find that he was dressed?**

12 A. Gray green striped shorts.

13 **Q. Okay. Did he have any other type of**
 14 **clothes on other than gray green striped shorts?**

15 A. Not that I've listed here, no.

16 **Q. And you would have listed if he**
 17 **would have been --**

18 A. Yes, sir.

19 **Q. -- dressed in anything else;**
 20 **correct?**

21 A. Yes. There's another sheet, a
 22 clothing sheet. I think it's in here. Where we
 23 would have listed everything else.

24 **Q. Can you tell us what Mr. Norman's,**
 25 **you determined his height and weight to be?**

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1 A. Height is five foot four inches,
 2 weight 170 pounds. Now this is a height and
 3 weight with the body laying on the table. And
 4 there may be some -- it may not be an accurate
 5 standing height. It's a length of the body from
 6 the bottoms of the feet to the top of the head.
 7 And if there's any rigor mortis it may seem
 8 shorter or it's -- it may not be exactly
 9 accurate.

10 **Q. But you at least measured Mr.**
 11 **Norman's body and found that according to your**
 12 **measurements --**

13 A. Body length, yes.

14 **Q. -- he was about five foot four**
 15 **inches --**

16 A. Yes.

17 **Q. -- in height and body length;**
 18 **right?**

19 A. Yes.

20 **Q. All right. And he weighed 170**
 21 **pounds?**

22 A. Yes. That's what we measured.
 23 Yes.

24 **Q. How old was Mr. Norman?**

25 A. He was listed at 46 years and he

9 (Pages 33 to 36)

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1 **00182. And I believe the doctor is reading the**
 2 **document in its entirety. And then I'm going to**
 3 **draw his attention to a particular portion of**
 4 **it?**

5 A. Okay.

6 **Q. So, Doctor, in this statement that**
 7 **you just read Deputy Watson writes: "After**
 8 **awhile of struggling with Norman I placed my**
 9 **right knee between his two shoulder blades to**
 10 **prevent him from attempting to stand as well as**
 11 **gain control over his resistance. Myself and**
 12 **Deputy Dziadosz were able to place his hands**
 13 **behind his back and apply two sets of handcuffs**
 14 **linked together on in attempts to stop has level**
 15 **of resistance and gain control of him.**

16 **After handcuffs were applied Norman**
 17 **again attempted to stand and I kept my knee**
 18 **between his shoulder blades to hold him down**
 19 **until he finished fighting and struggling.**
 20 **After a few minute he calmed down and quit**
 21 **fighting against myself after Deputy Dziadosz.**
 22 **Shortly after he stopped struggling he began to**
 23 **snore. In your opinion is that evidence of**
 24 **respiratory compromise?**

25 MR. HENSON: Object to the form to

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1 the extent it calls for speculation and
 2 conjecture and an improper opinion on the part
 3 of the doctor. And it also lacks foundation for
 4 him to give that kind of opinion.

5 A. Yes. It can result in respiratory
 6 compromise.

7 **Q. And what is that based on?**

8 A. Compression of the chest.

9 **Q. And in this particular example**
 10 **she's describing compressing the chest with the**
 11 **knee in between his shoulder blades; correct?**

12 A. Yes, sir.

13 **Q. And is that an example of restraint**
 14 **asphyxia.**

15 MR. HENSON: Object to the form.

16 A. I don't -- I'm sorry.

17 MR. HENSON: Object to the form of
 18 the question to the extent it calls for
 19 speculation and conjecture and improper opinion.
 20 Lacks foundation and also an improper expert.

21 A. I don't typically use the term
 22 restraint asphyxia.

23 **Q. Sure. Sure. Well, since you don't**
 24 **want to use that term you said it is evidence of**
 25 **respiratory compromise?**

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1 MR. HENSON: Same objection. And
 2 it's repetitive too.

3 **Q. Okay. You can have it. I was**
 4 **trying to get back on track. Is that evidence**
 5 **of respiratory compromise?**

6 A. Compression of the chest is
 7 evidence of respiratory compromise, yes.

8 **Q. And if compression of the chest**
 9 **goes on long enough someone can go unconscious?**

10 MR. HENSON: Object to the form of
 11 the question to the extent it calls for
 12 speculation and conjecture and improper opinion,
 13 lacks foundation.

14 A. For various reasons possibly.

15 **Q. And I believe you told Mr. Henson**
 16 **that five minutes of respiratory compromise**
 17 **without any other factors can cause death?**

18 A. Can cause somebody not being able
 19 to be resuscitated, yes.

20 **Q. And I'm going to read one section**
 21 **from a deposition of a witness to the incident.**

22 MR. CARNIE: And, Keith, this is
 23 William Durant's deposition on page 43.

24 MR. HENSON: I don't think I have
 25 Mr. Durant in here.

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1 MR. CARNIE: You can share with me
 2 if you want.

3 **Q. (By Mr. Carnie) And so the question**
 4 **is by Mr. Henson. And it's: "And when you**
 5 **arrived in that backyard of your mother's house**
 6 **were all three of these Deputies there when you**
 7 **arrived?" And the answer is: "They were all**
 8 **three on the man, on top of the man when I**
 9 **arrived."**

10 **And my question to you, is that**
 11 **evidence of respiratory compromise?**

12 MR. HENSON: Object to the form to
 13 the extent that it calls for speculation and
 14 conjecture and improper opinion. And it also
 15 lacks foundation to give that opinion.

16 A. If the chest is compressed --

17 **Q. Right. It's --**

18 A. -- in my opinion it can cause
 19 respiratory compromise.

20 **Q. Right. And so being on top of**
 21 **someone could possibly compress their chest?**

22 MR. HENSON: Object to the form.

23 A. I don't know how much weight each
 24 person had on top of him.

25 **Q. And that's, that's, that's a fair**

28 (Pages 109 to 112)

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1 **statement. But if they had enough weight on**
 2 **them, that could cause chest compression?**
 3 A. Possible.
 4 MR. HENSON: Object to the form of
 5 the question to the extent it calls for
 6 speculation and conjecture and improper opinion
 7 and lacks foundation.
 8 A. Possible, yes.
 9 **Q. Okay. Now the statement that I**
 10 **shared with you and perhaps this deposition, is**
 11 **that the kind of information that you think**
 12 **would be helpful when putting together your**
 13 **opinions in this case?**
 14 A. I'm not sure it would change my
 15 opinion, no.
 16 **Q. But you put that respiratory**
 17 **compromise contributed to cause the death. So**
 18 **it probably wouldn't, would it?**
 19 MR. HENSON: Object to the form of
 20 the question to the extent it calls for
 21 speculation and conjecture. It's argumentative.
 22 A. I forgot the question. I'm sorry.
 23 MR. CARNIE: Can you just read it
 24 back for me. I'm sorry.
 25 **Q. And you put respiratory compromise**

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1 **as a contributing cause in your autopsy report;**
 2 **correct?**
 3 A. Yes. That's my opinion.
 4 **Q. That's your opinion. So it would**
 5 **not have changed your opinion because you've**
 6 **already put that in there?**
 7 A. No. It wouldn't change my opinion,
 8 no.
 9 **Q. Because respiratory compromise is**
 10 **already in your opinion?**
 11 A. Yes, sir.
 12 **Q. And I just want to clarify this.**
 13 **It's your opinion that the shocks from the**
 14 **charge conducted control device contributed to**
 15 **cause the death as well?**
 16 MR. HENSON: Object to the form of
 17 the question to the extent --
 18 A. No.
 19 MR. HENSON: -- I believe that --
 20 A. No. It's not my opinion.
 21 **Q. Okay. So it's your opinion that**
 22 **the shocks from the charge conducted control**
 23 **device contributed to cause respiratory**
 24 **compromise?**
 25 A. It may have.

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1 **Q. It may have?**
 2 A. My opinion is that it contributed
 3 to the epinephrine surge as part of the
 4 struggle.
 5 **Q. Okay. So in that sense it**
 6 **contributed to cause his death?**
 7 A. Yes, sir.
 8 **Q. I want to draw your attention to**
 9 **the large, or you described it, I think, as a**
 10 **large contusion on the back of Mr. Norman. And**
 11 **I can share mine with you if you don't have it**
 12 **ready.**
 13 MR. HENSON: It's page 2 of your
 14 report, Doctor. Subject one on the upper back
 15 **Q. And, Doctor, I apologize. I won't**
 16 **be much longer but I hope you understand --**
 17 A. Don't apologize.
 18 **Q. -- I have to ask my questions too.**
 19 A. Can we go off the record?
 20 **Q. Yeah.**
 21 **(Off the record.)**
 22 **Q. And so, Doctor, I'm pointing you to**
 23 **page 2 of your report where you wrote that there**
 24 **is a 10 by 3 and 10 by 2 centimeter linear**
 25 **contusion on Mr. Norman's back. Is that where**

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1 **it was located?**
 2 A. Yes. I think it was the left.
 3 **Q. Yeah. Could you be more specific?**
 4 A. Right upper back. Yes, it's upper
 5 back.
 6 **Q. Which, which side of the upper**
 7 **back?**
 8 A. Right upper back.
 9 **Q. Right upper back. And is that near**
 10 **the shoulder blade?**
 11 A. Yes.
 12 **Q. Okay. And how, how can a mark like**
 13 **that be created?**
 14 A. A blow.
 15 **Q. A blow. Okay.**
 16 A. Perhaps. It's a blunt force.
 17 **Q. Can you create blunt force with a**
 18 **body part like a knee?**
 19 A. Perhaps. More likely baseball bat.
 20 **Q. You, you testified earlier that you**
 21 **did look at slides of the heart; right?**
 22 A. One slide.
 23 **Q. One slide. Okay. And you didn't**
 24 **see any evidence of myocarditis, did you?**
 25 A. No, sir, I did not.

29 (Pages 113 to 116)

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1 WITNESS ERRATA SHEET
 2 Witness Name: CARL CHRISTOPHER STACY, M.D.
 3 SPENCER NORMAN, KIEFER NORMAN, COURTNEY NORMAN,
 4 and HELEN S. NORMAN v. CAMDEN COUNTY, BRIAN D.
 FIENE, and DWIGHT D. FRANKLIN
 5 Date Taken: August 16, 2013
 6 Page # _____ Line # _____
 Should read: _____
 7 Reason for change: _____
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 19 Reason for change: _____
 20 Page # _____ Line # _____
 21 Should read: _____
 22 Reason for change: _____
 23
 24
 25 Witness Signature: _____

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1 STATE OF _____)
 2 COUNTY OF _____)
 3
 4 I, CARL CHRISTOPHER STACY, M.D., do hereby
 certify:
 5 That I have read the foregoing deposition;
 That I have made such changes in form
 6 and/or substance to the within deposition as
 might be necessary to render the same true and
 7 correct;
 8 That having made such changes thereon, I
 hereby subscribe my name to the deposition.
 9 I declare under penalty of perjury that the
 10 foregoing is true and correct.
 11 Executed this _____ day of _____,
 12 2013, at _____.
 13
 14
 15
 16 _____
 17 Notary Public
 18
 19 My commission expires: _____
 20
 21
 22
 23
 24
 25 CARL CHRISTOPHER STACY, M.D.

34 (Pages 133 to 134)

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